

EXHIBIT 1

Order in *Hayward v. Marshall*, no. 06-55392

08-CV-0654 J (Wmc)

**MARK TITCH, v. ROBERT HERNANDEZ, WARDEN
RESPONDENT'S REQUEST FOR STAY PENDING ISSUANCE OF THE
MANDATE IN *HAYWARD***

FILED

FOR PUBLICATION

MAY 16 2008

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

RONALD HAYWARD,

Petitioner - Appellant,

v.

JOHN MARSHALL, California Men's
Colony East,

Respondent - Appellee.

No. 06-55392

D.C. No. CV-05-07239-GAF(CT)

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Westlaw

--- F.3d ----

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--- F.3d ----, 2008 WL 2131400 (C.A.9)

(Cite as: --- F.3d ----, 2008 WL 2131400 (C.A.9))

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Hayward v. Marshall

C.A.9,2008.

Only the Westlaw citation is currently available.

United States Court of Appeals,Ninth Circuit.

Ronald HAYWARD, Petitioner-Appellant,

v.

John MARSHALL, California Men's Colony East,

Respondent-Appellee.

No. 06-55392.

May 16, 2008.

Joseph V. Camarata. Law Office of Joseph V. Camarata, Vallejo, CA. Michael Sattris, Bolinas, CA, for Petitioner-Appellant.

Julie L. Garland, AGCA-Office of the California, Attorney General, San Diego, CA, for Respondent-Appellee.

ORDER

KOZINSKI, Chief Judge:

*1 Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

C.A.9,2008.

Hayward v. Marshall

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